

SHORT-TERM RENTALS / LAWDUC REVISIONS

PLANNING COMMISSION

MARCH 8, 2022

BACKGROUND

- **Ordinance 18-01:** adopted to address life/safety issues
- Regulates STRs in unincorporated Clatsop County outside of Arch Cape
- Prior to adoption, STRs outside of Arch Cape paid transient room tax, but had no operating standards
- During discussions on Ordinance 18-01, it was stated that the intent was to merge the Arch Cape standards and Ordinance 18-01 into one set of regulations in the future
- Following the adoption of Ordinance 18-01, Code Compliance staff began receiving a number of complaints, often associated with renter behavior at STRs
- Some complaints were within Code Compliance jurisdiction, some were regulated by state agencies or local law enforcement, and some complaints could not be verified
- Staff began conducting quarterly STR meetings in July 2020 to allow residents and STR owners to discuss issues and to provide clarification regarding the code compliance process
- Following two work sessions with Board in 2021, the Board directed staff to move forward with a temporary moratorium on new STR licenses

BACKGROUND

TABLE 1: SHORT-TERM RENTAL MORATORIUM TIMELINE

	2021							2022			
	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	APR
DLCD 45-Day Notice for Moratorium	✓	✓									
Prepare Draft Moratorium Ordinance	✓	✓									
BOC Work Session / Town Hall – Moratorium Ordinance		✓									
14-Day Public Comment Period – Moratorium Ordinance		✓									
1 st Public Hearing – Moratorium Ordinance (August 11)			✓								
2 nd Public Hearing – Moratorium Ordinance (August 25)			✓								
Moratorium in Effect until April 28, 2022				✓	✓	✓	✓	✓	✓		
Prepare Draft #1 - Combined Ordinance and Revisions	✓	✓	✓								
BOC Work Session / Town Hall – Draft #1				✓							
14-Day Written Public Comment Period – Draft #1				✓							
Prepare Draft #2 – Combined Ordinance and Revisions					✓						
BOC Work Session / Town Hall – Draft #2						✓					
14-Day Written Public Comment Period – Draft #2						✓					
Prepare Draft #3 – Combined Ordinance and Revisions							✓				
BOC Work Session / Town Hall – Draft #3 – January 26, 2022								✓			
14-Day Written Public Comment Period – Draft #3								✓			
1 st Public Hearing – Combined Ordinance (February 9, 2022)									x		
BOC Work Session – February 26, 2022									✓		
LAWDUC Revisions – Planning Commission Review (March 8, 2022)										✓	
LAWDUC and Code Revisions – 1 st Public Hearing BOC (Tentative: April 13, 2022)											
LAWDUC and Code Revisions – 2 nd Public Hearing BOC (Tentative: April 27, 2022)											
Moratorium Expires: April 28, 2022											

Board of Commissioner Work Sessions:

- February 24, 2021
- April 20, 2021
- June 1, 2021
- August 3, 2021
- January 26, 2022
- February 16, 2022

Board of Commissioner Meetings:

- August 11, 2021
1st Public Hearing of moratorium
- August 25, 2021
Board adopts moratorium, effective September 1, 2021
- December 8, 2021
Board extends moratorium through April 28, 2022

Public Town Hall Meetings

- July 9, 2021
- July 16, 2021
- September 24, 2021
- November, 2021
- January 22, 2022

LICENSING vs. ZONING

LICENSING

- Addressed in Section 5.12 of the Clatsop County Code (CCC)
- Provides standards to “enhance public safety and livability”
- HOW an STR is operated, not where
- Includes provisions regulating:
 - Parking
 - Occupancy
 - Trash
 - Noise
 - Permit transferability
 - Other areas of operation

ZONING

- Addressed in the *Land and Water Development and Use Code (LAWDUC)*
- Establishes level of approval needed:
 - **Type I:** Over the counter
 - **Type II:** Public notice, no public hearing
 - **Type IIA:** Public notice, published notice; property posted; public hearing
- WHERE an STR is operated, not how
- Currently, LAWDUC only specifically calls out STRs as a permitted use in the Arch Cape Rural Community Residential Zone (AC-RCR)
- LAWDUC was not updated to include STRs in other zoning districts when Ordinance 18-01 was originally adopted

ZONING

- Zoning identifies geographic areas where a specific type of use is allowed and establishes the type of procedure used to review and approve an application
- Section 1.1040, LAWDUC, states that “a structure may be used or developed...only as this Ordinance (LAWDUC) permits”
- STRs have been included in the Arch Cape Rural Community Residential zone since 2003 as a permitted use
- When Ordinance 18-01 was drafted and adopted, the zoning code was not amended to include STRs in any additional zoning districts outside of Arch Cape
- To provide maximum clarity, STRs should be addressed in the LAWDUC
- County can determine the type of procedure for approval; procedure can be different in different zones

PROPOSED AMENDMENTS

- Proposed revisions to Articles 4 and 5, LAWDUC include:

- Add STRs as a permitted use to 16 zones:

- 4.0720: Miles Crossing, Jeffers Gardens and Westport Rural Community Residential (RCR)
 - 4.1020: Knappa and Svensen Rural Community Residential (KS-RCR)
 - 4.1120: Rural Service Area - Single Family Residential (RSA-SFR)
 - 4.1220: Rural Community Multi-Family Residential (RC-MFR)
 - 4.1320: Rural Service Area – Multi-Family Residential (RSA-MFR)
 - 4.1420: Rural Community Commercial (RCC)
 - 4.2220: Coastal Beach Residential (CBR)
 - 4.2320: Coastal Residential (CR)
 - 4.2420: Single Family Residential-1 (SFR-1)
 - 4.2520: Residential – Agriculture-1 (RA-1)
 - 4.2620: Residential – Agriculture-2 (RA-2)
 - 4.2720: Residential – Agriculture-5 (RA-5)
 - 4.2820: Residential – Agriculture-10 (RA-10)
 - 4.2920: Neighborhood Commercial (NC)
 - 4.3030: General Commercial (GC)
 - 4.3130: Tourist Commercial (TC)

- Repeal Sections 5.4900-5.4970, LAWDUC, which are the Arch Cape STR standards (these standards will be relocated to Chapter 5.24, Clatsop County Code)
 - Amend Section 4.0620, LAWDUC, to remove reference to Section 5.4910, which are the Arch Cape STR standards
 - **NOTE:** STRs cannot be permitted in farm/forest zones because it is not permitted by ORS

ORDINANCE AMENDMENT PROCESS

LAWDUC

- Proposed LAWDUC revisions would need to be reviewed by the Planning Commission, which would make a formal recommendation to the Board of Commissioners (March 2022)
- Board can accept, reject or revise the Planning Commission recommendations
- Adopting ordinance requires 2 public hearings (April 13 and 27)
- Moratorium expires April 28, 2022

CLATSOP COUNTY CODE

- Revisions to Title 5, Clatsop County Code do not require Planning Commission review
- Requires 2 public hearings to amend (April 13 and April 27)

WRITTEN PUBLIC COMMENT

- Beth Radich
- Denise and Jeff Davis
- Joanne Cornelius
- Rick and Leslie Smith
- Rick Hess
- Susan Paduano
- Charles Dice
- Drea Frost
- Tim Ramey
- Tammy Litwinchuk
- Jeff Stuhr
- John Meyer
- Nancy Chase
- Carol Harn
- Kathy Grewe
- Monica Kirk
- Elyse Shoop
- Allan Solares
- Ted Morgan
- Carolyn Crawford

QUESTIONS?

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